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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,861

03/18/2004

Kristin L. Ficery

86769-0039CIP

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08/25/2008

ACCENTURE, LLP

C/O HOGAN & HARTSON, LLP (IPGROUP)

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WASHINGTON, DC 20004

EXAMINER

ZECHER, MICHAEL R

ART UNIT

PAPER NUMBER

3691

NOTIFICATION DATE

DELIVERY MODE

08/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcptopatent@hhlaw.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/802,861	Applicant(s) FICERY ET AL.	
	Examiner MICHAEL R. ZECHER	Art Unit 3691	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
The Final Rejection remains.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

/Michael R. Zecher/
Art Unit #3691

In regards to claims 1 & 16, applicant argues in substance that Heyns et al. does not disclose a tool for calculating normalized diagnostic information. Examiner respectfully disagrees with applicant's assertion. On pg. 23 of the specification, applicant defines the metrics and diagnostic ratios resulting from the output of the cost lever analysis tool as return on invested capital, gross profit margin, operating margin, and revenue growth. Heyns et al. discloses, teaches, and suggests using the VMFAT tool to analyze revenue growth (See paragraphs 59-60). Furthermore, Heyns et al. discloses that the VMFAT provides two sets of performance metrics--Economic Profit and Standard Financial Metrics. Each set of performance metrics calculates Market Value Added, Economic Profit, NOPLAT, Capital Invested, and Weighted Average Cost of Capital (See paragraph 64). In other words, both sets of metrics provide calculations, definitions, and interpretations to give background and understanding, and are not solely used as a tool for comparison of already standardized, pre-calculated data. These disclosures in Heyns et al. disclose, teach, and suggest that the VMFAT is capable of calculating normalized diagnostic information, such as revenue growth.

Additionally, in regards to claim 1, applicant argues that Heyns et al. does not disclose "wherein said cost levers identified by said cost lever analysis tool are correlated by said cost reduction strategy tool to one or more appropriate business capabilities recommended as providing at least one element of a cost reduction strategy adapted to target one or more of said identified cost levers." Examiner respectfully disagrees with applicant's assertion. First, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference. Second, for clarification purpose, Examiner has broadly and reasonably interpreted the claim limitation to include recommending value-adding strategies that result in cost savings (See paragraph 51 & 52).

Finally, in regards to claim 16, applicant argues that Heyns et al. does not disclose "correlating a plurality of business capabilities with a plurality of possible cost levers." Examiner respectfully disagrees with applicant's assertion. First, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference. Second, for clarification purpose, Examiner has broadly and reasonably interpreted the claim limitation to include recommending value-adding strategies that result in cost savings (See paragraph 51 & 52). It is clear from the disclosure in Heyns et al. that the four tools work in conjunction to define, evaluate, and select business strategies; thereby identifying one or more cost levers (See paragraph 65). Therefore, Applicant's arguments are deemed non persuasive and the final rejection of the claims is maintained.